

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

NORDYNE INC.,)	
)	
Plaintiff and Counterclaim-Defendant)	
)	
vs.)	
)	Civil Action No. 4:09-cv-00203 ERW
)	
RBC MANUFACTURING)	
CORPORATION,)	
)	
Defendant and Counterclaim-Plaintiff)	
_____)	

**RBC MANUFACTURING CORPORATION'S NOTICE THAT CERTAIN
PORTIONS OF NORDYNE'S SECOND AMENDED COMPLAINT ARE
CONFIDENTIAL AND SHOULD REMAIN UNDER SEAL**

Pursuant to the Court's Order on April 26, 2011 (Docket No. 81),¹ defendant and counterclaim-plaintiff RBC Manufacturing Corp. ("RBC") respectfully submits this notice to notify the Court that the following portions of Nordyne's Second Amended Complaint for Declaratory Judgment ("Second Amended Complaint") contain RBC confidential business information and thus should remain under seal, and to respectfully ask that the existing seal not be lifted as to these portions:

- Exhibit C to Nordyne's Second Amended Complaint for Declaratory Judgment; and
- The right-hand column of the table in Paragraph 63 of Nordyne's Second Amended Complaint.

¹ In its Order, the Court granted Nordyne's motion for leave to file its Second Amended Complaint for Declaratory Judgment, and stated that the Second Amended Complaint is "received and filed under seal until May 6, 2011, at which time the Court shall lift the seal of the Second Amended Complaint unless notice is received by this Court of any reason why the seal should not be lifted." (*See* Docket No. 81).

Exhibit C to Nordyne's Second Amended Complaint is a private communication from RBC's predecessor-in-interest (General Electric) to its long-time customer, Trane. Exhibit C contains RBC confidential business information, including confidential technical information about products. The right-hand column of the table in Paragraph 63 of the Second Amended Complaint contains RBC confidential information derived from Exhibit C to the Second Amended Complaint. In discovery in this action, RBC labeled and designated the document that Nordyne has attached as Exhibit C to the Second Amended Complaint as "Attorneys' Eyes Only" material under the Protective Order.

RBC respectfully asks that the Court not lift the existing seal over (i) Exhibit C to Nordyne's Second Amended Complaint for Declaratory Judgment; and (ii) the right-hand column of the table in Paragraph 63 of the Second Amended Complaint.

Dated: May 6, 2011

Respectfully submitted:

/s/ Omar A. Khan

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CERTIFICATE OF SERVICE

I hereby certify that on the 6th day of May, 2011, the foregoing NOTICE THAT CERTAIN PORTIONS OF NORDYNE'S SECOND AMENDED COMPLAINT ARE CONFIDENTIAL AND SHOULD REMAIN UNDER SEAL was filed electronically with the Clerk of Court to be served by operation of the Court's electronic filing system upon the following:

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Dated: May 6, 2011	By: <u>/s/ Omar A. Khan</u> Robert J. Gunther, Jr. (<i>pro hac vice</i>) Wilmer Cutler Pickering Hale and Dorr LLP 399 Park Avenue New York, NY 10022 Tel.: (212) 230 8800 Fax: (212) 230 8888 robert.gunther@wilmerhale.com
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